

## Chapter 13.08

## MUNICIPAL AIRPORT HEIGHT ZONING

## Sections:

- 13.08.010 Short title.
- 13.08.020 Definitions.
- 13.08.030 Airport zones and airspace height limitations—General requirements.
- 13.08.040 Horizontal zone.
- 13.08.050 Conical zone.
- 13.08.060 Approach zone.
- 13.08.070 Transitional zone.
- 13.08.080 Structures interfering with altitude approach zones.
- 13.08.090 Use restrictions.
- 13.08.100 Lighting.
- 13.08.110 Variances.
- 13.08.120 Board of adjustment—Created—Powers and duties.
- 13.08.130 Judicial review—State statutes adopted.
- 13.08.140 Administrative official designated.
- 13.08.150 Conflicting regulations.
- 13.08.160 Violation—Penalty.

**13.08.010 Short title.**

The ordinance codified in this chapter shall be known and may be cited as "The Algona Municipal Airport Height Zoning Ordinance." (Ord. 574 § 1, 1978)

**13.08.020 Definitions.**

As used in this chapter, unless the context otherwise requires:

1. "Airport" means the Algona Municipal Airport.
2. "Airport elevation" means the highest point of an airport's usable landing area measured in feet above mean sea level, which elevation is established to be one thousand two hundred nineteen feet.
3. "Airport hazard" means any structure or tree or use of land which would exceed the federal obstruction standards as contained in 14 Code of Federal Regulations Sections 77.21, 77.23 and 77.25 as revised March 4, 1972, and which obstruct the airspace required for the flight of aircraft and landing or takeoff at an airport or is otherwise hazardous to such landing or taking off of aircraft.
4. "Airport primary surface" means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred feet beyond each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most

precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

5. "Airspace height" for the purpose of determining the height limits in all zones set forth in this chapter and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

6. "Control zone" means airspace extending upward from the surface of the earth which may include one or more airports and is normally a circular area of five statutes, angles in radius, with extensions where necessary to include instrument approach and departure paths.

7. "Instrument runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities or area type navigation equipment, for which an instrument approach procedure has been approved or planned.

8. "Minimum descent altitude" means the lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.

9. "Minimum enroute altitude" means the altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.

10. "Minimum obstruction clearance altitude" means the specified altitude in effect between radio fixes on VOR airways, off-airway routes, or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within twenty-two miles of a VOR.

11. "Runway" means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

12. "Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a FAA approved airport layout plan, a military services approved military airport layout plan, or by any planning document submitted to the FAA by competent authority. (Ord. 574 § 2, 1978)

### **13.08.030 Airport zones and airspace height limitations—General requirements.**

In order to carry out the provisions of this chapter, there are created and established certain zones which are depicted on the Algona Municipal Airport height zoning map. A structure located in more than one zone of the following zones is considered to be only in the zone with the more restrictive height limitations. The various zones are established and defined as set out in Sections 13.08.040 through 13.08.080 of this chapter. (Ord. 574 § 3 (part), 1978)

### **13.08.040 Horizontal zone.**

A. The land lying under a horizontal plane one hundred fifty feet above the established airport elevation, the perimeter of which is constructed by:

1. Visual Runway. Swinging arcs of five thousand feet radii from the center of each end of the primary surface of runway(s) 18 and 36, and connecting the adjacent arcs by lines tangent to those arcs;

2. Instrument Runway. Swinging arcs of ten thousand feet radii from the center of each end of the primary surface runway(s) 12 and 30, and connecting the adjacent arcs by lines tangent to those arcs.

Note: The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a five thousand feet arc is encompassed by tangents connecting two adjacent ten thousand feet arcs, the five thousand feet arc shall be disregarded on the construction of the perimeter of the horizontal surface.

B. No structure shall exceed one hundred fifty feet above the established airport elevation in the horizontal zone, as depicted on the Algona Municipal Airport height zoning map. (Ord. 574 § 3(1)(A), 1978)

#### **13.08.050 Conical zone.**

The land lying under a surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one for a horizontal distance of four thousand feet. No structure shall penetrate the conical surface in the conical zone, as depicted on the Algona Municipal Airport height zoning map. (Ord. 574 § 3(1)(B), 1978)

#### **13.08.060 Approach zone.**

A. The land lying under a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.

Note: An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.

1. The inner edge of the approach surface is:
  - a. Two hundred fifty feet wide for runway(s) 18 and 36,
  - b. Five hundred feet wide for runways 12 and 30;
2. The outer edge of the approach zone is:
  - a. Visual utility runways: One thousand two hundred fifty feet for runway(s) 18 and 36,
  - b. Nonprecision instrument utility runways: Two thousand feet for runway(s) 30,
  - c. Nonprecision instrument, other than utility runways: Three thousand five hundred feet for runway(s) 12;
3. The approach zone extends for a horizontal distance of:
  - a. All visual and nonprecision instrument utility runways: Five thousand feet at a slope of twenty to one for runway(s) 18, 36 and 30,
  - b. Nonprecision instrument, other than utility runways: Ten thousand feet at a slope of thirty-four to one for runway(s) 12.

B. No structure shall exceed the approach surface to any runway, as depicted on the Algona Municipal Airport height zoning map. (Ord. 574 § 3(1)(C), 1978)

**13.08.070 Transitional zone.**

A. The land lying under those surfaces extending outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of seven to one from the sides of the primary surface and from the sides of the approach surfaces.

B. No structure shall exceed the transitional surface, as depicted on the Algona Municipal Airport height zoning map. (Ord. 574 § 3(1)(D), 1978)

**13.08.080 Structures interfering with altitude approach zones.**

No structure shall be erected in the county that raises the published minimum descent altitude for an instrument approach to any runway, nor shall any structure be erected that causes the minimum obstruction clearance altitude or minimum enroute altitude to be increased on any federal airway in the county. (Ord. 574 § 3(1)(E), 1978)

**13.08.090 Use restrictions.**

Notwithstanding any other provisions of Sections 13.08.030 through 13.08.080 of this chapter, no use may be made of land or water within the city or the county in such a manner as to interfere with the operation of any airborne aircraft. The following special requirements shall apply to each permitted use:

A. All lights or illumination used in conjunction with street, parking, signs or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from the Algona Municipal Airport or in the vicinity thereof;

B. No operations from any use shall produce smoke, glare or other visual hazards within three statute miles of any usable runway of the Algona Municipal Airport;

C. No operations from any use in the city or the county shall produce electronic interference with navigation signals or radio communication between the airport and aircraft. (Ord. 574 § 4, 1978)

**13.08.100 Lighting.**

A. Notwithstanding the provisions of Section 13.08.090, the owner of any structure over two hundred feet above ground level must install on the structure lighting in accordance with Federal Aviation Administration (FAA), Advisory Circular 70-7460-1D and amendments. Additionally, any structure, constructed after the effective date of the ordinance codified in this chapter and exceeding nine hundred forty-nine feet above ground level, must install on that structure high intensity white obstructing lights in accordance with Chapter 6 of FAA Advisory Circular 7460-1D and amendments.

B. Any permit or variance granted may be so conditioned as to require the owner of the structure or growth in question to permit the city or county at its own expense to install, operate and maintain thereto such markers or lights as may be necessary to indicate to pilots the presence of an airspace hazard. (Ord. 574 § 5, 1978)

**13.08.110 Variances.**

Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use his property in violation of any section of this chapter,

may apply to the board of adjustment for variance from such regulations. No application for variance to the requirements of this chapter may be considered by the board of adjustment unless a copy of the application has been submitted to the Algona Municipal Airport manager or aeronautics director for his opinion as to the aeronautical effects of such a variance. If the Algona Municipal Airport manager or aeronautics director does not respond to the board of adjustment within fifteen days from receipt of the copy of the application, the board may make its decision to grant or deny the variance. (Ord. 574 § 6, 1978)

**13.08.120 Board of adjustment—Created—Powers and duties.**

A. There is created a board of adjustment to have and exercise the following powers:

1. To hear and decide appeals from any order, requirement, decision or determination made by the Algona zoning official or county zoning official in the enforcement of this chapter;

2. To hear and decide special exemptions to the terms of this chapter upon which such board of adjustment under such regulations may be required to pass; and

3. To hear and decide specific variances.

B. The board of adjustment shall consist of five members appointed by the city council and county board of supervisors and each shall serve for a term of five years and until his successor is duly appointed and qualified. Of the members first appointed, one shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year. Members shall be removable by the appointing authority for cause, upon written charges, after a public hearing.

C. The board of adjustment shall adopt rules for its governance and in harmony with the provisions of this chapter. Meetings of the board shall be held at the call of the chairman and at such other times as the board of adjustment may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board of adjustment shall be open to the public. The board of adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations, and other official actions, all of which shall immediately be filed in the office of the city/county clerk, and on due cause shown.

D. The board of adjustment shall have the powers established in Iowa Statutes, Section 414.12.

E. The concurring vote of a majority of the members of the board of adjustment shall be sufficient to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any manner upon which it is required to pass under this chapter, or to effect variations of this chapter. (Ord. 574 § 7, 1978)

**13.08.130 Judicial review—State statutes adopted.**

Any person aggrieved, or any taxpayer affected, by any decision of the board of adjustment, may appeal to the court of record as provided in Iowa Statutes, Section 414.15. (Ord. 574 § 8, 1978)

**13.08.140 Administrative official designated.**

It shall be the duty of the zoning officer (or building inspector) to administer the regulations prescribed herein. Applications for permits and variances shall be made to the zoning officer (or building inspector) upon a form furnished by him. Applications required by this chapter to be submitted to the administrative agency shall be promptly considered and granted or denied. Application for action by the board of adjustment shall be forthwith transmitted by the zoning officer (or building inspector). (Ord. 574 § 9, 1978)

**13.08.150 Conflicting regulations.**

Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to height of structures, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail. (Ord. 574 § 11, 1978)

**13.08.160 Violation—Penalty.**

Each violation of this chapter or of any regulation, order or ruling promulgated under this chapter constitutes a misdemeanor, and shall be punishable by a fine of not more than one hundred dollars or imprisonment for not more than thirty days. Each day a violation continues to exist shall constitute a separate offense. (Ord. 574 § 10, 1978)